HONOURABLE SMT.JUSTICE T.MEENA KUMARI

&

HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO:1427 OF 2005

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JUDGMENT (Per the Honourable Smt. Justice T.Meena Kumari.)

This writ appeal is filed by the appellants aggrieved by the order of the learned single Judge in W.P.M.P.NO:16267 OF 2005 in W.P.No:12817 of 2005, dated 21.7.2005.

The appellants are the writ petitioners. Along with the writ petition, they have also filed an application in W.P.M.P.No:16267 of 2005 seeking to suspend the proceedings of the 1st respondent. The learned single Judge modified the interim order dated 16.6.2005 permitting the 5th respondent to join at the school at M.B.High School, Musheerabad. However, it is made clear that it is subject to the final orders that may be passed in the writ petition and that the 5th respondent cannot claim any equities in this matter, since at this stage, it is not possible to decide as to whether the managements of respondents-4 and 6 schools are under one management or not. Having aggrieved by the above modification, the present writ appeal is preferred by the writ petitioners.

Heard the learned counsel.

We have perused the material available on record and the order impugned.

While permitting the 5th respondent to join at the school at M.B. High school, Musheerabad, the learned single Judge has made it clear that the same is subject to the final orders that may be passed in the writ petition. At the stage of interlocutory proceedings, the 5th respondent cannot claim any equities in the matter as it is not possible to adjudicate as to whether the managements of respondents-4 and 5

schools, are under one Management or not as rightly observed by the learned single Judge. Therefore, We are of the view that since the present appeal is an outcome of an interlocutory order, any finding in this appeal may touch the very merits of the main writ petition. Hence, we see no merits in the appeal. However, it is made clear that the interim order as modified by the learned single Judge, shall be subject to the result in the main writ petition.

Accordingly, this writ appeal is disposed of. The Registry is directed to post the writ petition itself on 15.9.2005 for final hearing. Meanwhile, the learned G.P. is directed to file the counter within a period of two Weeks.

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(T.MEENAKUMARI, J)

17th August, 2005

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(P.LAKSHMANA REDDY, J)

Gurc/bud.

**HONOURABLE SMT. JUSTICE T.MEENAKUMARI**

**&**

**HONOURABLE SRI JUSTICE P.LAKSHMANA REDDY**

WRIT APPEAL No:1427 of 2005

**(judgment delivered by Smt.Justice T.MeenaKumari)**

**17th August, 2005**